

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1792

Bobby Davis,

Appellant,

v.

Cheyenne Industries, Inc.,

Appellee.

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* Appeal from the United States

* District Court for the

* Eastern District of Arkansas.

* [UNPUBLISHED]

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Submitted: November 20, 1997

Filed: November 28, 1997

Before WOLLMAN, LOKEN, and HANSEN, Circuit Judges.

PER CURIAM.

Bobby Davis brought this Title VII action, alleging that his former employer, Cheyenne Industries, Inc., discharged him because of his race, African-American. Following a bench trial, the district court¹ found that Davis had failed to demonstrate that Cheyenne's proffered reason for terminating him was pretextual or that his discharge was racially motivated. Davis appeals.

¹The Honorable James Maxwell Moody, United States District Judge for the Eastern District of Arkansas.

As Davis has failed to provide a transcript or to request one at government expense, we cannot review the district court's factual findings. See Van Treese v. Blome, 7 F.3d 729, 729 (8th Cir. 1993) (per curiam). We conclude that based on its factual findings, the district court correctly entered judgment in favor of Cheyenne. See St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502, 507-08 (1993); Harvey v. Anheuser-Busch, Inc., 38 F.3d 968, 973 (8th Cir. 1994).

The judgment is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.